REMARKS

This Amendment is being submitted together with a Request for Continued Examination and is being submitted in response to the Official Action of January 23, 2004. The change to Claim 2 presented in this Amendment is the same as the change to Claim 2 presented in the Amendment filed on May 24, 2004. New Claims 24-28 are also presented for consideration. These claims are directed to the elected invention.

As discussed in the Amendment filed on May 24, 2004, the undersigned explained during the interview held on April 28, 2004 that the claim recitation of the plastically deformed portion is not a recitation describing how the crash box is manufactured, but instead defines characteristics associated with the crash box. That is, the claims recite that the crash box includes a plastically deformed portion, meaning that a portion of the crash box is plastically deformed. Thus, as explained during the interview, it is improper to characterize the recitation defining the plastically deformed portion as a method recitation, and it is equally improper to ignore such recitation.

U.S. Patent No. 6,203,098 to *Motozawa et al.*, which is primarily relied upon in the rejection of the previously presented claims in this application, merely discloses providing the side member 1 with stress concentration portions 9 to lower the initiation load for compressive deformation. These stress concentration portions 9 are defined by beads, notches or the like. *Motozawa et al.* makes no mention of providing the side member 1 with a plastically deformed portion and certainly does

not describe that the stress concentration portions 9 are constituted by or formed as a plastically deformed portion.

During the interview, the Examiner commented that the notches or beads forming the stress concentration portions 9 in *Motozawa et al.* **could** be fabricated by plastic deformation. However, that the stress concentration portions 9 **could** be fabricated as a plastic deformation portion is not particularly relevant. The proper focus is whether the prior art provides a teaching that would have directed one to fabricate the stress concentration portions 9 disclosed in *Motozawa et al.* as a plastically deformed portion.

> The test under §103 is not what 'one might contemplate.' The proper test is whether the references, taken as a whole, would suggest the invention to one of ordinary skill in the art. *Medtronic, Inc. v. Cardiac Pacemakers, Inc.*, 220 USPQ 97, 110 (Fed. Cir. 1983)

Here, the disclosure in *Motozawa et al.* considered as a whole does not suggest providing the disclosed side member with a plastically deformed portion and does not suggest making the stress concentration portions 9 as a plastically deformed portion. To the extent the Examiner continues to believe that the disclosure in *Motozawa et al.* is relevant to the claimed invention at issue here and suggests providing a plastically deformed initial buckling portion, the Examiner is kindly asked to provide a detailed explanation of the basis for such position.

Another distinction between the claimed vehicle bumper recited in Claims 2 and 12 and the disclosure in *Motozawa et al.* involves the claim recitation defining that the plastically deformed initial buckling portion extends around the entire circumference of the crash box and includes projections and recesses which are alternately arranged in the circumferential direction of the crash box. As pointed out

during the interview, U.S. Patent No. 3,831,997 to *Myers* merely discloses corrugated sheet metal sections, 21, 22 in which the corrugations are arranged in the **axial** direction of the rail members 13. Thus, the corrugations do not define projections and recesses which are alternately arranged in the circumferential direction. Accordingly, even if one were somehow motivated to carry out the modification proposed in the Official Action, the result would not be that which is defined in Claims 2 and 12.

New Claim 27 defines the vehicle bumper comprises a hollow crash box including a hollow body and at least one partition in the interior of the hollow body, with the partition extending along the axis of the hollow body and dividing the interior of the hollow body into a plurality of sections. In addition, the hollow crash box comprises an initial buckling portion at which plastic deformation of the hollow crash box starts when the crash box receives a load, with the plastically deformed initial buckling portion extending around the entire periphery of the hollow body and being formed on a portion of the hollow body in which is located the partition. Fig. 1(a) of the present application illustrates the plastically deformed initial buckling portion being formed on a portion of the hollow body in which is located the partition.

New Claim 27 is patentable over the disclosure in *Motozawa et al.* for reasons similar to those discussed above because *Motozawa et al.* does not disclose a plastically deformed initial buckling portion as set forth in Claim 27. Further, *Motozawa et al.* lacks a disclosure of providing a plastically deformed initial buckling portion which, in addition to extending around the entire periphery of the hollow body, is formed on a portion of the hollow body in which is located the partition. *Motozawa et al.* discloses a partition in the bent portion 6 of the side member.

However, *Motozawa et al.* does not disclose that the collapsing portion 8 containing the stress concentration portions 9 is provided with a partition. Thus, *Motozawa et al.* cannot be said to disclose providing a plastically deformed initial buckling portion that is formed on a portion of the hollow body in which is located a partition.

New dependent Claims 24-26 also recite that the plastically deformed initial buckling portion is formed on a portion of the hollow body in which is located a partition(s). These claims thus further distinguish the claimed subject matter over the disclosure in *Motozawa et al.*

It is believed that this application is in condition for allowance and such action is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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